



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 23 2012

The Honorable E. Scott Pruitt
Attorney General
State of Oklahoma
313 NE 21st Street,
Oklahoma City, Oklahoma 73105

OFFICE OF
GENERAL COUNSEL

Re: Freedom of Information Act Appeal HQ-APP-00187-12 (HQ-FOI-01841-12)

This letter is in reference to your September 21, 2012 fee waiver appeal under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. You appealed the August 21, 2012 decision of Larry Gottesman of the U.S. Environmental Protection Agency ("EPA" or "Agency") to deny your request for a fee waiver. You seek a waiver of all fees associated with your FOIA request for records related to the EPA Administrator's non-discretionary duty to take actions under the Clean Air Act, the Clean Water Act, or the Resource Conservation and Recovery Act, and the course of action to take with respect to any state implementation plan.


The Office of the Administrator ("OA") responded to your request on October 1, 2012 indicating that your request failed to adequately describe the records sought as required by 40 C.F.R. § 2.102(c). The OA provided you with 30 days from the date of the response to discuss and modify your request to meet the requirements of the regulations, otherwise it would close your request file. Because you do not currently have a proper request pending before the Agency, I cannot evaluate your fee waiver appeal and am closing your appeal file as moot. Should you respond to the OA within the 30 days provided, please indicate in your response whether you are seeking a fee waiver for your revised request, so that the Office of Environmental Information may process your revised fee waiver request.

This letter constitutes EPA's final determination on this matter. Pursuant to 5 U.S.C. 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. As part of the 2007 FOIA amendments, the Office of Government Information Services ("OGIS") within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; e-mail, ogis@nara.gov; telephone, 301-837-1996 or 1-877-684-6448; and facsimile, 301-837-0348.

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Should you have any questions concerning this matter, please call Lynn Kelly at (202) 564-3266.

Sincerely,

A handwritten signature in purple ink, appearing to read 'KME', is positioned above the typed name.

Kevin M. Miller
Assistant General Counsel
General Law Office

cc: HQ FOI Office